

REMARKS/ARGUMENTS

Claims 1-76 are pending. Claims 14-66 are allowed. Claims 1-13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by each of United States Patents 6,356,971 (Katz) and 5,616,876. Claims 67-76 stand rejected under 35 U.S.C. §112, First Paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time that application was filed, had possession of the claimed invention.

In view of the following remarks, Applicants respectfully request reconsideration of the present application and an early Notice of Allowance.

35 U.S.C. § 112, Paragraph 1 Rejection

Claims 67-76 of the present application stand rejected under 35 U.S.C. § 112, first paragraph as containing subject matter which allegedly was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The rejection is based on the contention that the application fails to disclose exemplary attributes of the objects recited in claims 67-76 (i.e. books, television programs, motion pictures). The Office Action asserts that, for the application to have been enabling for the objects of claims 67-76, the specification and drawings would have to have depicted exemplary attributes for those objects. However, Applicants respectfully disagree.

Applicants submit that exemplary attributes of the objects of claims 67-76 were well known to one of ordinary skill in the art at the time the invention was made, and, therefore, need not be expressly disclosed in the specification. For example, with respect to the motion

picture recited in claim 67, Applicants assert that subjective attributes of a motion picture such as, for example, acting, directing, editing, etc. were well known to one of ordinary skill in the art at the time the invention was made. In fact, these subjective attributes of motion pictures have been evaluated and distinguished by the Academy Awards and other motion picture awards for decades. If it is the Examiner's position that subjective attributes of the objects of claims 67-76 would not have been well known to one of ordinary skill in the art at the time the invention was made, then Applicants will respectfully provide documentation to support this assertion.

From the foregoing, it is appreciated that claims 67-76 of the present application meet the requirements of 35 U.S.C. § 112, first paragraph. On this basis, Applicant respectfully requests that the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

35 U.S.C. § 102(e) Rejection

The Katz Reference

Claims 1-13 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Katz. Applicants respectfully disagree.

Applicants respectfully submit that Katz does not teach or suggest every limitation of the claims 1-13 of the present invention. Specifically, Katz does not teach or suggest, "**a plurality** of classification values, each distinguishing **a particular** subjective feature of musical compositions", as recited by independent claim 1.

In the Office Action, the Examiner alleges that the "category" and the "notes" fields of Katz read on the plurality of classification values recited by claim 1. Applicants respectfully submit, however, that the "notes" field is not a classification value. By its very

nature, the “notes” field enables comments to be provided on a wide variety of different subjective and / or objective features, and is not targeted to distinguish a particular subjective feature of musical compositions (i.e. rhythm or tempo or emotion).

Accordingly, since Katz fails to teach a plurality of classification values, each distinguishing a particular subjective feature of musical compositions, it fails to be anticipatory. On this basis, Applicants respectfully request the withdrawal of the 102(e) rejection in respect to Katz.

The Cluts Reference

Claims 1-13 were also rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Cluts. Applicants respectfully disagree.

Applicants respectfully submit that Cluts does not teach or suggest every limitation of the claims 1-13 of the present invention. Specifically, Cluts does not teach or suggest, “a plurality of classification values, each distinguishing a particular subjective feature of musical compositions”, as recited by independent claim 1.

In the Office Action, it is asserted that Cluts discloses a subjective style attribute “as well as” a computer analyzed attribute (such as rhythm or tempo). The Examiner argues that the style attribute in combination with the computer analyzed attribute read on the claimed plurality of classification values. However, Cluts does not teach or suggest that the style attribute is used in combination with the computer based attribute. Rather, to the contrary, Cluts clearly states that the style attribute is an alternative to the computer analyzed attribute. Specifically, the cited portion of Cluts states that, “the present invention provides distinct advantages over various computer based processes (Col. 19, ln

54-65).” Thus, Cluts merely discloses the use of a single subjective attribute or, in the alternative, a single computer based attribute.

Accordingly, since Cluts fails to teach a plurality of classification values, each distinguishing a particular subjective feature of musical compositions, it fails to be anticipatory. On this basis, Applicants respectfully request the withdrawal of the 102(e) rejection in respect to Cluts.

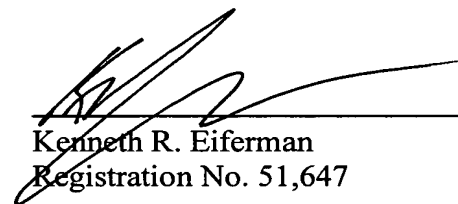
DOCKET NO.: 167501.2 / MSFT-0285
Application No.: 09/477,244
Office Action Dated: June 16, 2004

PATENT

CONCLUSION

For all the foregoing reasons, Applicant respectfully submits that claims 1-76 stand in condition for allowance. Reconsideration of the present Office Action and an early Notice of Allowance are respectfully requested.

Date: August 31, 2004


Kenneth R. Eiferman
Registration No. 51,647

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439